

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

BRAD MCKINNEY,  Petitioner,  vs.  WARDEN O'DONNELL,  Respondent.	4:24-CV-04131-ECS  OPINION ADOPTING REPORT AND RECOMMENDATION IN FULL AND DISMISSING PETITIONER'S PETITION
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Petitioner Brad McKinney filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 seeking an order requiring the Bureau of Prisons (BOP) to transfer him to prerelease custody because the BOP wrongly determined his transfer date. Doc. 1 at 6–7. The matter was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and the District of South Dakota's Civil Local Rule of Practice 72.1.A.2(b), which designates to the magistrate judge the duty to prepare proposed findings and recommendations for the disposition of habeas petitions.

On July 26, 2024, Magistrate Judge Veronica L. Duffy submitted a report and recommendation that McKinney's § 2241 petition be dismissed without prejudice for failure to exhaust his remedies before presenting his claim in this Court. Doc. 5 at 7. The time for objecting to the report and recommendation has passed. See id. at 7–8. McKinney has not filed any objections. The Court has considered the case de novo and adopts the report and recommendation in full. Thus, it is

ORDERED that the magistrate judge's report and recommendation (Doc. 5) is adopted in full, and McKinney's § 2241 petition (Doc. 1) is dismissed without prejudice.

DATED August 26, 2024.

BY THE COURT:



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ERIC C. SCHULTE  
UNITED STATES DISTRICT JUDGE